

Application No.: To be assigned
65 C.F.R. § 1.53 (b) continuation
of Serial No. 09/359,809

REMARKS

The amendments to page 21 of the written description correct the punctuation in the amended sentence. Applicant has also amended claims 60 and 66 to add cadmium oxide and lead monoxide to the category of solid lubricants. The application supports these amendments at page 16 penultimate paragraph and page 16 last paragraph respectively. Applicant has also amended the claims to address the examiner's withdrawal of the rejections in the parent application of claims 59-62, 65-68 and 71-72 over the prior art, and objection to them on the grounds they depended from a rejected claim. The present amendment changes claims 59-62, 65-68 and 71-72 so they no longer depend on a rejected claim, and cancels claims 57, 58, 63, 64, 69, and 70 without prejudice or disclaimer. Claims 57, 58, 63, 64, 69, and 70, however, remain in the parent application.

The amendment adds claims 73 and 74, dependent on claims 59 and 65. The lubricant of claims 73 and 74 comprise the chalcogenides of non-noble metals and mixtures thereof, whereas claims 75 and 76 added by the amendment depend from claims 59 and 65 and further define the lubricant as comprising the chalcogenides of

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molybdenum, antimony, niobium, and tungsten, and mixtures thereof. The application supports these claims at page 27, first and second paragraphs.

Claims 77 and 78 describe the chalcogenide of claims 73 and 74 as a sulfide, which page 27, first paragraph of the application supports. Claims 79-84 describe the mixture of lubricants of claims 73-78 as comprising a two, three, or four lubricant mixture, which page 27, second paragraph of the application supports.

Newly added claim 85 relates to the combination of a grease lubricant with the superabsorbent polymer. The application supports claim 85 at page 13, last paragraph through page 15, first paragraph, and by claim 57 as well. Applicant, however, has now cancelled claim 57 without prejudice or disclaimer. None of the prior art relied on by the examiner in the parent application taught or suggested the superabsorbent polymer-grease combination now claimed.

The Provisional Double Patenting Rejection

The examiner provisionally rejected claims 57-72 in the parent application under the judicially created doctrine of obviousness-type double patenting in view of copending application Serial No. 09/357,957 filed July 23, 1999. Applicant points out that the present examiner has also issued a provisional double patenting rejection in

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copending application Serial No. 09/357,957, which has not issued as a patent.

Applicant should not be required to file a terminal disclaimer in the present application since the Patent Office may not allow the copending application which forms the basis of the double patenting rejection. Furthermore, the Manual of Patent Examining Procedure (M.P.E.P.) instructs that when a provisional double patenting rejection is the sole remaining rejection in an application otherwise in condition for allowance, the examiner should withdraw the rejection in the application and permit it to issue as a patent. M.P.E.P. § 804(I.)(B) p. 800 -15 July 1998.

CONCLUSIONS

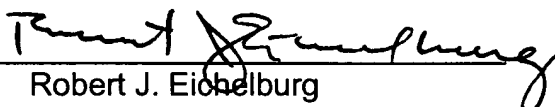
Applicant requests the Examiner to consider the foregoing amendments and remarks and pass the application to issue.

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Respectfully submitted,

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Dated: January 24, 2004

By: 
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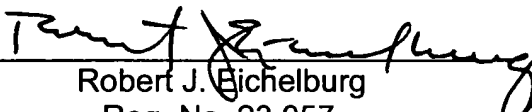
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